

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

HOWARD KERSTINE,  
Plaintiff,

Civil Action No. 1:02-cv-080

vs.

NINE WEST GROUP INC. and  
JONES APPAREL GROUP,  
Defendants.

**ORDER**  
(Hogan, M.J.)

The Court has been advised by the parties that the within action has been settled.

It is **ORDERED** that this action is hereby **DISMISSED** with prejudice, provided that any of the parties may, upon good cause shown within sixty (60) days, reopen the action if settlement is not consummated. The Court retains jurisdiction over the settlement contract for the purpose of its enforcement. All pending motions are considered moot. The trial date of November 15, 2004 is hereby **VACATED**.

All models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed in this action or offered in evidence shall not be considered part of the pleadings in the action and, unless otherwise ordered by the Court, shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. Disposal of all models, diagrams, depositions, photographs, x-rays and other exhibits and materials by the Clerk will be made at the expiration of the withdrawal period if not withdrawn by counsel. *See* S.D. Ohio Civ. R. 79.2(a).

**IT IS SO ORDERED.**

Date: 11/9/2004

s/Timothy S. Hogan  
Timothy S. Hogan  
United States Magistrate Judge